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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/661,544 | 09/15/2003 | Patrick A. Gowens | 1410/77007 | 9064 |
| 7590 | 02/24/2005 | | EXAMINER | |
| Fitch, Even, Tabin & Flannery Suite 1600 120 South LaSalle Street Chicago, IL 60603-3406 | | | HOGAN, JAMES SEAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3752 | |

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|----------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/661,544 | GOWENS ET AL. <i>CH</i> |
| | Examiner | Art Unit |
| | James S Hogan | 3752 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
 - 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) Claim(s) 26-37 is/are allowed.
- 6) Claim(s) 1-3,5,6,9,10,12-15 and 17 is/are rejected.
- 7) Claim(s) 4,7,11,13,16 and 18-25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/15/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: discharge end 47. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of claim 6 has no structure that points to any specific aspect of the invention

Claim Rejections - 35 USC § 103

3. Claims 1-3,5 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,266,565 to Hladis et al. in view of U.S. Patent No. 4,360,129 to Brokaw et al.

Regarding claim 1, to Hladis et al. ('565) teaches a nozzle attachment for removing residual material from the discharge end of a nozzle having a number of components being separable for cleaning. Shown is an internal gas passageway (52) in the attachment assembly between adjacent assembled components thereof and having an inlet (through pipe 45) to receive an incoming gas stream. The discharge end (21) on the attachment assembly emits a gas stream from the internal gas passageway in a direction angled inwardly and downwardly relative to the discharge end of the nozzle to remove residual material from the nozzle. Not taught by Hladis et al. ('565) is a manual quick release connection operable without the use of a tool to connect and disconnect the nozzle attachment from the nozzle. Brokaw et al. ('129) teaches an embodiment (fig. 4) that attaches a discharge valve so that it is easily removable for cleaning. Shown by to Brokaw et al. ('129) is a clamping retainer (not numbered) clamped onto a nozzle and is held on with wing nuts, as per claims 2, 3 and 5. It would have been obvious to one skilled in the art at the time the invention was made to have provided a nozzle attachment for cleaning off the end of a discharge nozzle, and, based on the likelihood that an operator would not have access to tools, having its main components being removable without the aid of any tools.

Claims 9, 10, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,266,565 to Hladis et al. in view of U.S. Patent No. 4,360,129 to Brokaw et al.

As addressed in the rejection of claims 1-3 and 5, the device of et al. ('565) teaches a nozzle attachment with an outer nozzle component (60), and inner nozzle component (22) and together, they are axially separable from one another (designated by the threads shown). Together, they create spaced discharge surfaces that direct inclined and downwardly to create a discharging gas, and therefore, a shearing force on the end of the nozzle. Not taught by Hladis et al. ('565) is a retainer on a nozzle attachment for releasably attaching to a nozzle. Brokaw et al. ('129) teaches an embodiment (fig. 4) that attaches a discharge valve so that it is easily removable for cleaning. As per claim 10 and 12, the retainer of Brokaw ('129) comprises a clamp (parts not numbered) for connecting the nozzle attachment in a quick fashion, using wing nuts. It would have been obvious to one skilled in the art at the time the invention was made to have provided quick-release connections on a nozzle-cleaning air discharge device to aid in the dis-assembly and cleaning process.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,266,565 to Hladis et al. in view of U.S. Patent No. 4,360,129 to Brokaw et al. and further in view of U.S. Patent No. 5,025,887 to Jamison.

The rejection of claim 9 and 12 above serve as the basis for the following. Neither Hladis et al. ('565) nor Brokaw ('129) teach any device to detachable connect an air inlet. The device of Jamison ('887) teaches the use of a circular clamp (34), with a

wing nut, connecting an airline to an acoustic device. It would have been obvious to one skilled in the art at the time the invention was made to have provided quick-release connections to an air inlet on a nozzle-cleaning air discharge device to aid in the disassembly and cleaning process.

Claim 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,266,565 to Hladis et al. in view of U.S. Patent No. 4,360,129 to Brokaw et al.

The rejections of claims 9,10 and 12 serve as the same information required for the rejection of claims 14-15. It would have been obvious to one skilled in the art at the time the invention was made to have to have developed the method of providing quick-release connections on a nozzle-cleaning air discharge device to aid in the disassembly and cleaning process.

Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,266,565 to Hladis et al. in view of U.S. Patent No. 4,360,129 to Brokaw et al.

The rejections of claims 9,10 and 12 serve as the same information required for the rejection of claims 17. It would have been obvious to one skilled in the art at the time the invention was made to have to have developed a gas passageway into which gas can be directed inwardly and downwardly relative to a discharge end of a dispensing nozzle so that a shearing force dislodges or removes any accumulated material clinging to the discharge end, thus improving sanitary concerns.

Allowable Subject Matter

2. Claims 4,5,7,11,13,16, and 18-25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26-37 allowed.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows.

U.S. Patent No. 5,226,863 to Kimura, disclosing a filling device

U.S. Patent No. 5,447,254 to Hoover, disclosing a fluid dispenser

U.S. Patent No. 4,970,985 to Slauterback, disclosing an adhesive apparatus

U.S. Patent No. 4,969,602 to Scholl, disclosing a nozzle attachment

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
10/14/2005



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Group 3700